

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE SIDE****WRIT PETITION NO. 6094 OF 2004**

 Office Notes, Office)
 Memoranda of Coram,)
 appearances, Court's)
 orders or directions)
 and Registrar's orders.)

Court's or Judge's orders

Mr. S.B. Shetty for Petitionr.

Mr. R.H. Patne, A.G.P. for State.

CORAM : F.I. REBELLO &
 S.P. KUKDAY,JJ.
 DATED : FEBRUARY 10, 2005

P.C.

. The Petitioner had applied that his land
 be not acquired or be released under
 Section 48(1) of the Land Acquisition Act,
 1894 relying on the circular dated
 28.6.1998. That came to be rejected by the
 Additional Commissioner by his order dated
 10.5.2002 wherein it is pointed out that
 the circular has been cancelled by
 Government letter dated 11.2.2000 in
 accordance with the judgement of the Apex
 Court order dated 27.3.1995 in Appeal No.

6692 of 1998 in Shri. Krishna Hari Hake

Vs. State of Maharashtra.

. Apart from that the declaration under Section 6 was issued. In other words the public purpose has been declared and award thereafter came to be passed on 30.11.2002. The Petition is filed on 2.7.2003. The declaration under Section 6 was made on 27.11.2000. Considering the judgement of the Apex Court in Municipal Council Ahmednagar and another Vs. Shah Hyder Beig and others, AIR 2000 S.C. 671 this will not be a fit case for this court to exercise its extra ordinary jurisdiction.

Hence, petition rejected.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)